

REMARKS

The Examiner rejected claims 2-4, 6-15, 17-25, 27-29, 31-41 and 43-55 under 35 U.S.C. §112, second paragraph.

Applicants respectfully traverse the §112 rejections with the following arguments.

35 U.S.C. §112, Second paragraph

The Examiner rejected claims 2-4, 6-15, 17-25, 27-29, 31-41 and 43-55 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner argues: "Claims 2-4, 6-15, 17-25, 27-29, 31-41 and 43-55 contain the trademark/trade name SAP. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a SAP business information system and, accordingly, the identification/description is indefinite.... Furthermore, the claims in question also recite, "wherein the SAP business information system comprises an SAP Executive Information System (EIS)." Page 4 of the instant specification states: "EIS", as referred to herein, includes not only the specific versions of EIS that are currently operational, but also includes all future versions of ES as well as any other reporting program or module of SAP that is intended to operate on data stored in a business data warehouse. (Page 4, lines 13-16).... This definition of "EIS" creates an open-ended set that is, by its very nature, indefinite. The scope of these claims cannot be properly established because one cannot possibly know "all future versions of EIS." The claims are therefore indefinite."

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18

In response, Applicants have amended the claims such that the amended claims do not include "SAP" and do not include "SAP Executive Information System (EIS)".

Based on the preceding arguments, Applicants respectfully contend that claims 2-4, 6-15, 17-25, 27-29, 31-41 and 43-55 are not unpatentable under 35 U.S.C. §112, second paragraph.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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